

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

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FILE: B-215994

DATE: September 28, 1984

MATTER OF: The Harvey Company

DIGEST:

1. GAO will not consider protest by firm that will not be next in line for award if protest is sustained because that firm is not an interested party under our Bid Protest Procedures.
2. GAO will not review a protest alleging that bidders were not in compliance with the Service Contract Act since the contracting agency and the Secretary of Labor are responsible for enforcing the act.

The Harvey Company (Harvey) protests the award of a contract to Mid States Management Ltd., Quintex, DWS Inc., and R&D Maintenance, the first, third, fourth and fifth low bidders under Army Corps of Engineers' (Corps) invitation for bids (IFB) No. DACW56-84-B-0047. Harvey alleges that the unit bid prices of these bidders are so low that the bidders cannot comply with the Service Contract Act, 41 U.S.C. § 351, et seq. (1982).

The protest is dismissed.

The Corps has informed this Office that Harvey is the sixth low bidder and would not be in line for the contract award even if we sustained Harvey's protest because Harvey has not protested an award to R. Wolfe, the second low bidder. Consequently, Harvey is not an interested party and we will not consider its protest on the merits. ABC Food Service, Inc.--Reconsideration, B-211679.2, Dec. 20, 1983, 83-1 C.P.D. ¶ 3.

In any event, our Office will not consider Harvey's protest that the named bidders are not complying with the Service Contract Act because the act places responsibility

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for enforcing its provisions on the contracting agency head
and the Secretary of Labor. 41 U.S.C. § 352(b) (1982).
Starlite Services, Inc., B-210762, Mar. 7, 1983, 83-1
C.P.D. ¶ 229.

Harry R. Van Cleve
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Acting General Counsel